REMARKS

The specification has been amended to insert priority data on page 1 in accordance with 37 C.F.R. § 1.78(a)(5).

Claims 1-29 were pending in this application. Applicants have cancelled claims 4-6, 10-12, 17-23 and 27, without prejudice to Applicants' right to pursue the subject matter of the cancelled claims in related applications.

Claims 1, 7, 13, 16, 24, 28 and 29 have been amended to correct improper Markush format. Claims 1, 7, 13, 16, 24, 28 and 29 have also been amended to more clearly point out and distinctly claim the subject matter Applicants regard as the invention. Specifically, claims 1, 7, 13, 16, 24, 28 and 29 have been amended to recite polypeptides that comprises (a) the amino acid sequence of SEQ ID NO: 2; (b) the amino acid sequence of SEQ ID NO:4; (c) an amino acid sequence that is a derivative of the amino acid sequence of SEQ ID NO: 2; (d) an amino acid sequence that is a derivative of the amino acid sequence of SEQ ID NO: 4; (e) a fragment of the amino acid sequence of SEQ ID NO:2; or (f) a fragment of the amino acid sequence of SEQ ID NO: 4. Support for the amended claims can be found in the specification at, *inter alia*, page 6, line 22 through page 11, line 9. No new matter has been added.

Upon entry of this Amendment, claims 1-3, 7-9, 13-16, 24-26, 28 and 29 will be pending in the present application.

THE RESTRICTION REQUIREMENT

The Examiner has required restriction of the claims under 35 U.S.C. § 121 to one of the following groups of claims:

I Claims 1-3, 7-9, 24-26, in part drawn to polypeptides, classified in class 530, subclass 350.

II Claims 4-6 and 10-12, in part drawn to polynucleotide, classified in class 536, subclass 23.1.

III Claims 13-15, in part drawn to a method of screening for and/or diagnosis with a peptide, classified in class 530, subclass 387.1.

IV Claims 16 and 27, in part drawn to a method for prophylaxis and/or treatment with a peptide, classified in class 514, subclass 2.

V Claim 17, in part drawn to a method of screening for and/or diagnosis with a nucleic acid, classified in class 514, subclass 44.

VI Claim 18 and 27, in part drawn to a display, classified in class 348, subclass 184.

VII Claims 19-22, in part drawn to the extent of an antibody which binds specifically to a peptide, classified in class 530, subclass 387.1.

VIII Claim 23, drawn to a method for the prophylaxis and/or treatment with an antibody, classified in class 424, subclass 130.1.

IX Claim 28, in part drawn to a method of screening for compounds that modulate the expression of a polypeptide comprising determining the presence or absence and/or quantifying a polypeptide, classified in class 435, subclass 7.1.

X Claim 28, in part drawn to a method of screening for compounds that modulate the expression of a polypeptide comprising determining the presence or absence and/or quantifying an antibody, classified in class 435, subclass 7.1.

XI Claim 29, in part drawn to a method for monitoring/assessing a neurological or neuropsychiatric condition comprising determining the presence or absence and or quantifying a polypeptide, classified in class 435, subclass 6.

XII Claim 28, in part drawn to a method for monitoring/assessing a neurological or neuropsychiatric condition comprising determining the presence or absence and or quantifying an antibody, classified in class 435, subclass 6.

The Examiner has further required restriction of the claims to one of three subgroups:

A) A single designated nucleic acid selected from SEQ ID NO's: 1 and 3.

B) A single polypeptide selected from SEQ ID NO's: 2 and 4.

C) A single designated antibody selected from SEQ ID NO's: 2 and 4.

In order to be fully responsive, Applicants hereby provisionally elect with traversal the invention of Group I, claims 1-3, 7-9 and 24-26, drawn to polypeptides comprising the amino acid sequence of SEQ ID NO: 2 or 4, a derivative of the amino acid sequence of SEQ ID NO: 2 or 4, or a fragment of the amino acid sequence of SEQ ID NO: 2 or 4.

In view of the present claim amendments, Applicants submit that the requirement for election of a subgroup is moot and should be withdrawn because the subject matter of the provisionally elected claims 1-3, 7-9 and 24-26 only recite polypeptides and do not recite nucleic acids or antibodies.

Group I is directed to polypeptides, and Group III is directed to methods of screening for or diagnosing a neurological or neuropsychiatric condition in a subject by detecting the presence or amount of a polypeptide of Group I in a biological sample obtained from said subject. Moreover, both of these groups are classified in class 530. Even assuming arguendo that Groups I and III represent distinct or independent inventions, Applicants submit that the same subject matter would have to be searched for both of these Groups and thus combining them would not be a serious burden on the Examiner.

Group I is directed to polypeptides, and Group IV is directed to methods for preventing or treating a neurological or neuropsychiatric condition in a subject by administering to said subject a therapeutically effect amount of at least one polypeptide of Group I. Even assuming arguendo that Groups I and IV represent distinct or independent inventions, Applicants submit that the same subject matter would have to be searched for both of these Groups and thus combining them would not be a serious burden on the Examiner.

Group I is directed to polypeptides, and Group IX is directed to a method of screening for compounds that modulate the expression of a polypeptide of Group I. Even assuming arguendo that Groups I and IX represent distinct or independent inventions, Applicants submit that the same subject matter would have to be searched for both of these Groups and thus combining them would not be a serious burden on the Examiner.

Group I is directed to polypeptides, and Group XI is directed to a method for monitoring or assessing a neurological or neuropsychiatric condition in a patient by determining the presence or quantifying the amount of at least one polypeptide of Group I. Even assuming arguendo that Groups I and XI represent distinct or independent inventions,

Applicants submit that the same subject matter would have to be searched for both of these Groups and thus combining them would not be a serious burden on the Examiner.

Group IX is directed to a method of screening for compounds that modulate the expression of a polypeptide of Group I, and Group XI is directed to a method for monitoring or assessing a neurological or neuropsychiatric condition in a patient by determining the presence or quantifying the amount of at least one polypeptide of Group I. Moreover, both of these groups are classified in class 435. Even assuming arguendo that Groups IX and XI represent distinct or independent inventions, Applicants submit that the same subject matter would have to be searched for both of these Groups and thus combining them would not be a serious burden on the Examiner.

Applicants respectfully direct the Examiner's attention to the Manual of Patent Examining Procedure (8th edition, 2001), which provides, at § 803:

> If the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to independent or distinct inventions. (emphasis added)

In view of this provision, and the foregoing showing of no serious burden, Applicants respectfully request that the restriction requirement under § 121 be withdrawn in part, for the reasons stated above, and that Groups I, III, IV, IX and XI be examined together. If the restriction requirement is maintained, Applicants respectfully request that it be modified such that Groups I and III are combined and examined together and Groups IX and XI are combined and examined together.

Applicants reserve the right to petition from the restriction requirement under 37 C.F.R. § 1.144.

Applicants respectfully request that the above remarks be entered and made of record in the file history of the instant application.

Respectfully submitted,

Date: March 12, 2004

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Laura A. Coruzzi (Reg. No.)

JONES DAY
222 East 41st Street
New York, New York 10017
(212) 326-3939